

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                    |   |                 |
|------------------------------------|---|-----------------|
| PROPOSED TARIFF FILING OF SOUTH    | ) |                 |
| CENTRAL BELL TELEPHONE COMPANY FOR | ) | CASE NO. 92-338 |
| COMMERCIAL QUALITY VIDEO           | ) |                 |

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. d/b/a South Central Bell Telephone Company ("South Central Bell") filed August 13, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost study information contained in Attachments A, D, and E filed in support of the proposed tariff for Commercial Quality Video service on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

In this proceeding, South Central Bell seeks approval of its proposed tariff for a new service referred to as Commercial Quality Video service. This service is designed to provide its customers a video channel with one-way transmission capability with quality comparable to broadcast video service. The new service will be offered in single channel or multiple channel configurations and each channel will be capable of one-way transmission between two points. By this petition, South Central Bell seeks to protect as confidential the cost data developed in support of the proposed service.

The information sought to be protected is not known outside of South Central Bell and is disseminated within South Central Bell to only those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to preserve and protect the confidentiality of this information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 10 categories of information. One category exempted in subparagraph (b) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

In providing this service, South Central Bell will compete with providers of private microwave systems, providers of fiber networks, small satellite systems, and manufacturers of codecs in the provisioning of video technology. Such competitors could use this information sought to be protected to analyze market potential for the service to the detriment of South Central Bell. Therefore,

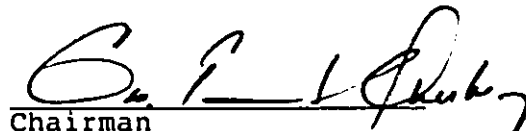
disclosure of the information is likely to cause South Central Bell competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

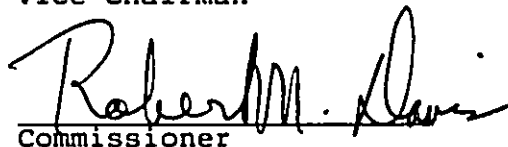
IT IS ORDERED that the cost information developed in connection with the proposed tariff for Commercial Quality Video service, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 21st day of September, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director